

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,762

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Appeal of)

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INTRODUCTION

The petitioner, through her brother, appeals the decision by the Department of Social Welfare increasing the amount of her income that is considered her "patient share" toward her nursing home expenses. The issue is whether the Department has allowed the petitioner all the deductions from her income that are allowed under the pertinent regulations.

FINDINGS OF FACT

The petitioner, a recipient of Medicaid, entered the nursing home where she continues to reside in July, 1996. Beginning in August, 1996, in determining the amount of the petitioner's income that was payable to the nursing home as the "patient share", the Department allowed the petitioner a "home upkeep deduction" from her income because it then appeared that the petitioner might return to live in her home, where her brother continues to reside.

The time limit under the regulations for a home upkeep deduction is six months. See Medicaid Manual (MM) § M413.1.

On January 7, 1997, the Department notified the petitioner that beginning in February, 1997, she would have to pay more of her income toward her nursing home costs because her home upkeep deduction had expired.

The petitioner's brother, who now must maintain the home without the benefit of the petitioner's home upkeep deduction, takes issue with the fact that the Department does not consider the petitioner's outstanding consumer and credit card debts and life insurance expenses in determining the amount of income deemed available to meet nursing home costs.

ORDER

The Department's decision is affirmed.

REASONS

Allowable deductions from unearned income for any recipient of Medicaid are limited to those listed in MM § M243.1. Neither consumer debts nor life insurance payments are mentioned in that section. Section M413 of the regulations describes the method for determining the applied income of a Medicaid recipient who is a resident in a long-term care facility. The only deductions allowed under that section are a personal needs allowance (which the Department allows the petitioner), a home upkeep deduction (for a maximum of six months), and a maintenance deduction for spouses and tax-dependent relatives.

As noted above, the petitioner's home upkeep allowance expired at the end of January, 1997; and the petitioner's brother does not claim to be a tax dependent of the petitioner. It thus appears that the Department has allowed the petitioner all the deductions from income and applied income that are available under the regulations. The Department's decision must, therefore, be affirmed. 3 V.S.A. § 3091 (d) and Fair Hearing Rule No. 17.

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